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July 29, 2020

Via ECF

Honorable Brian M. Cogan, USDJ  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York

**Re:** **Pre-Motion Conference Letter**  
**Matter:** **Byron Smith v. 10XBETA, LLC**  
**Case No.:** **1:20-cv-02817-BMC**

Dear Judge Cogan:

This firm represents Defendant 10XBETA, LLC in the above-referenced action.

In preparation for July 30, 2020 12:00 telephonic pre-motion conference with Your Honor, please find attached a proposed Civil Case Management Plan in this matter as proposed by Defendant.

Respectfully submitted,

/s/*David D. Postolski*

David D. Postolski, Esq.  
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cc: 10XBETA, LLC (via email)  
Richard Liebowitz, Esq. (via ECF)

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by ECF at the electronic mail addresses of all of the parties involved which are registered with the ECF on July 29, 2020 to Plaintiff's counsel who has the following mailing address and email address: Richard P.

Liebowitz, Esq., 11 Sunrise Plaza, Suite 305, Valley Stream, NY 11580, Tel: (516) 233-1660,  
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/s/David D. Postolski/  
By: David D. Postolski